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Editorials

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EDITORIALS

ANNUAL MEETINGS

THE NEXT ANNUAL MEETING OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY WILL BE HELD IN NEW LONDON, CONNECTICUT, NEXT SEPTEMBER 2 AND 3.

THE NEXT ANNUAL MEETING OF THE AMERICAN PRISON ASSOCIATION WILL BE HELD IN NEW YORK CITY NEXT OCTOBER 24-28.

PROGRAM OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY

The American Institute of Criminal Law and Criminology proposes the following program to guide its major activities during a period of five years, or as long as may be necessary to secure results of permanent scientific value. The ultimate aim of the organization in setting forth this program is to secure scientific bases for legislation which the Institute expects to offer, in co-operation with such bodies as the Commission on Uniform State Laws, to the legislatures of various states.

The Institute will not begin operation under this program until the necessary funds shall have been pledged to carry out one or more of the distinct enterprises comprised in the plan as a whole. It is hoped that members and other friends of the organization will carefully consider this project and give their assistance in whatever way may be possible. Suggestions addressed to this JOURNAL will be gratefully received.

The program involves research under five different headings, as follows:

I. THE PAROLE SYSTEM

The follow-up by uniform method in several jurisdictions, and during a period of five years, of groups of prisoners, paroled and later discharged, for the purpose of testing the various methods of determining fitness for parole and the various methods of administration of parole laws.

The purpose of this investigation is to apply the test of behavior during the period of parole and during a considerable period there-

after to the various methods in vogue for selecting individuals for admission to parole. On the basis of data thus secured it is proposed to make recommendations for scientific legislation to the Commission on Uniform State Laws and to the various state legislatures.

The results of this investigation will throw decisive light, one way or the other, upon the ever-recurring question of the effectiveness of parole as a method of dealing with criminals.

II. MENTAL STATUS OF CRIMINALS

The development of practical tests of mental disease and deficiency among adults in courts and prisons, and promotion of scientific legislation to assist in the detection and segregation of the mentally diseased and deficient in the adult criminal population.

To this end it is proposed (1) to bring together in conference leading students in this field for the purpose of reaching an agreement as to (a) the angles of approach, (b) the particular investigations that must be made to this end, (c) the most promising methods of investigation, and (d) the proper division of the total investigation among the conferees.

It is proposed (2) that these conferees shall then return to their own laboratories respectively, and there work out the portion of the general problem assumed by each.

III. STATE SYSTEM OF CRIMINAL RECORDS

The development of a system of criminal records such as may be put into operation by any state.

To this end it is proposed, through co-operation with the authorities of municipalities, counties, and states in selected sections of the country, to accumulate data relating to crime and criminals, and by scientific treatment of such data to demonstrate the need and practicability of workable bureaus of criminal statistics such as should be undertaken by all states, and such as exist in most European countries.

The results of this investigation will furnish a scientific basis for recommendations pertaining to legislation to be made to the Commission on Uniform State Laws and to the various state legislatures.

IV. COMPARATIVE STUDY OF STATE CRIMINAL LAWS

A five-year study of the criminal laws of all the states in co-operation with the Committee on Standardization of Laws of the American Bar Association. The example of the American Social Hygiene Association in securing the adoption of practically uniform

state "White Slave" laws and Injunction and Abatement laws in nearly every state in the Union shows what may be done in that field. No comparative and scientific study of the laws of the states has ever been made, though the need has often been urged.

V. PUBLICITY

Publicity of the results of these investigations to be made through the *Journal of Criminal Law and Criminology*, the official organ of the American Institute of Criminal Law and Criminology, of the American Prison Association, and of the American Society of Military Law; this Journal, or at any rate, reprints therefrom, to be distributed widely among legislators and others in the various states.

PROPOSED BUDGET

The following proposed budget is formulated upon the theory that, in large part, at any rate, those who will be responsible for carrying on the particular projects proposed above are already connected with universities or other research institutions and that such connections may be retained while they are pursuing the program announced. It is assumed that such workers would have to be released from a portion of their responsibilities in their respective institutions, and that they would, therefore, suffer a decrease in salary from the customary sources. The following budget, it is estimated, would make up for the deficiency arising in such manner.

In the case of investigators already attached to other institutions, it is assumed that office rent, and in large part, at any rate, laboratory supplies, would be contributed by their respective institutions.

Project I

To salaries of two full-time investigators at \$4,000 a year each.....	\$ 8,000	
To clerical and office expenses, \$1,000 a year each	2,000	
To travelling expenses, \$1,000 a year each.....	2,000	
		\$12,000

Project II

To salaries of five investigators on half pay at \$2,000 a year each.....	10,000	
To expenses of five investigators in conference..	500	
		10,500

Project III

To salary of one investigator, half-pay.....	2,000	
To clerical and office expenses.....	1,200	
		3,200

Project IV

Full-time of Secretary or Chairman of Committee charged with the work.....	6,000	
Stenographer	1,200	
Office expenses	1,500	
		8,700

Project V

To publication and mailing the <i>Journal of Criminal Law and Criminology</i> and reprints to legislative committees and legislators, to prepare the way for legislation growing out of the above-mentioned investigations, a year..	3,000	
		3,000
Grand Total		\$37,400

COMMITTEE ON PROGRAM

Hugo Pam, President of the Institute, Justice of the Superior Court, Chicago.
 John H. Wigmore, Northwestern University.
 James H. Tufts, University of Chicago.
 James Bronson Reynolds, Voluntary Defender's Committee, New York City.
 Frederic B. Crossley, Northwestern University.
 Robert H. Gault, Northwestern University.

THE CHICAGO CRIME COMMISSION

Following the Winslow Brothers pay roll robbery last summer the Chicago Association of Commerce directed its attention to the necessity for taking steps to curb crimes of violence in the City of Chicago. The Association Committee on Prevalence and Prevention of Crime considered the matter in its various phases and as a result a report was made to the Association recommending the formation of a body to be incorporated under the laws of the State of Illinois and to be known as the Chicago Crime Commission. The Commission has

now been organized and is being incorporated. It expects to demonstrate its effectiveness in aiding the present machinery of the law so to function that crimes of violence may be reduced to a minimum. It is not an ephemeral organization, but is preparing for a long, hard fight during a period of not less than six years, and is to be continued until its aims have been accomplished.

Committees up to date have not been completely organized, but the following are in course of development:

On Police, on Sheriff, Coroner, Bailiffs and Clerks, on Juries, on Prosecutions, on Courts, on Punishment and Parole (including probation), on Institutions, on Origin of Crime, on Statistics, on Legislation, on Finance and on Publicity.

The authority of the Commission is vested in an Executive Committee, composed of the officers as follows: Edwin W. Sims, president; Joseph H. Defrees, first vice-president; George F. Getz, second vice-president; Joseph R. Noel, treasurer; John R. Burgess, assistant treasurer; W. Rufus Abbott, secretary; Henry Barrett Chamberlain, operating director, together with Robert H. Gault, member-at-large.

The Commission employs investigators who ascertain the facts relating to major crimes within the city, and these facts are from time to time put into the hands of the Chief of Police, the Mayor of the city and other officials. But the activities of the organization are not confined to such work as this. It aims to do a constructive work for the city. This naturally involves the state at large.

The following from the Commission's Bulletin No. 2, March 31, 1919, sets forth the first constructive enterprise of the organization:

TO ESTABLISH RECORDS OF CRIME AND CRIMINALS

"It is impossible to determine with accuracy the number of law violators, the charges under which they were arrested and convicted and the sentences imposed. It is this lack of records and proper identification which permits habitual and professional criminals to be placed on probation and parole, thereby contributing largely to the present disgraceful situation.

"With an adequate bureau engaged in the collection and collation of criminal records, with a record of the activities of police, prosecutors and judges available, it would be comparatively easy to cause the proper functioning of the machinery already created to combat crime and prevent miscarriages of justice through collusion, indifference or political intrigue.

"With this as the ultimate object, the Chicago Crime Commission

has caused an exhaustive investigation and study to be made as to the provisions by statutes and ordinances touching reports and records of crimes and criminals. Having found such provisions inadequate, it has caused a bill to be prepared which is being presented to the General Assembly of Illinois, and which makes it the duty of the State Department of Public Welfare:

“To gather, receive, keep from the sources hereinafter named and preserve in permanent books and records provided for that purpose, reports, data and information of and concerning complaints of felonies and misdemeanors committed or suspected, the name or names of the party or parties suspected, if known, or a personal description of such suspect, together with the name and address of the complainant or informant; the date upon which and the place where the alleged offense was committed; the department or officer to whom the same was referred for investigation and its or his action thereon; the date of arrest, if any, and the court and the branch thereof taking jurisdiction of the complaint and the action taken by the court thereon; the action of the grand jury, if any, upon such complaint and the date thereof; the amount of bond fixed, the date of furnishing same and the names and addresses of the sureties thereon; the judgment and sentence of the court in cases of indictment, and information and the date of suing out a writ of error, if any; the action of the appellate or supreme court; the date of confinement in the jail, penitentiary, or such institution as the defendant is committed to; the length of time actually served there; date of parole, pardon or discharge and reasons therefor, except where discharged on account of expiration of time fixed in sentence of court; the amount of fine, if any, imposed and date of payment or satisfaction thereof; in case of forfeiture of bail for non-appearance, or other reason, date of collection of amount of bond, and of beginning suit upon such bond, name of court in which begun and action of court thereon; if no suit upon such bond is instituted or settlement of liability thereon made, the reasons for not taking necessary action to collect; action of the court in cases of non-appearance as to issuing process for apprehension of fugitive, name of officer to whom process is given for service, with date thereof and action taken by such officer. It shall also keep an additional and separate record containing the names and addresses of sureties on bonds furnished in cases of felonies and misdemeanors, with the names of the principals, the amount of the bond, the title of the case in which furnished, and

the court where pending and information as to whether such bond is still in force.'

"It is further made the duty of other officers such as Sheriffs, Coroners, Clerks, State's Attorneys, Police Officials, Superintendents of Prisons, Keepers of Jails and others to furnish reports to this Bureau, to the end that the criminal records of the State shall be accurate and informative.

"It is provided that the records of the Bureau of Criminal Records and Information shall be open to public inspection, but in order that no injustice may be done, the names of persons merely suspected or being investigated are not to be given publicity until after they have been formally charged with crime.

"The bill is the result of careful and painstaking work after an intelligent and conscientious survey of the situation. It is designed to cover the inadequate, incomplete and unbusinesslike method of recording and handling crime records. Under the present system the possibilities of juggling crime records are obvious because there is no provision for any central permanent record. The members of the Chicago Crime Commission realize that if this work is to be more than ephemeral, it must be builded on a firm foundation and that that foundation must be fact. The Commission will not deal in theories, nor will it chase rainbows. It will be able to do the work it has undertaken only if it substitutes fact for theory and commands the moral support of the community. If public sentiment is sufficiently strong to compel the enactment of legislation sufficient to form a basis for work along the lines indicated, the Commission will, in time, succeed in materially reducing criminal activities within the city of Chicago. The Commission is engaging in no theoretical essay writing, it is not intending to supplant the work of the constituted authorities; it is merely endeavoring to gather the information and point out concrete cases to the end that the machinery charged with the prevention of crime may properly function and that criminals be punished.

"The Chicago Crime Commission has no preconceived notions, nor does it consider itself a conservator of the morals of the community. It is organized to do its part toward bringing to the attention of the authorities the necessity for action in criminal matters, to give credit where credit is due, to avoid captious criticism, to assist constituted government in the performance of its sworn duty and to preserve proper contact between officialdom and the public. It is not a reform organization. It is not a debating society. It is a business proposition created because of the conditions which it faces and it is

determined to accomplish results by methods which it is believed will be welcomed by capable public officials willing to do their duty. It will be equally prepared to attack those who are derelict or incompetent. It needs the support of the community, it needs the co-operation of the officials and it asks to be judged by its actions alone."

ROBERT H. GAULT.

(See p. 143, *infra*.)

CO-OPERATION BETWEEN THE CHICAGO POLICE AND THE ILLINOIS DIVISION OF PARDONS AND PAROLES

As usual, a great outcry has arisen in Chicago against paroled men who are alleged by the police of the city to be occasioning a great wave of crime. This allegation is made, no doubt, by persons who for the most part do not distinguish between probation and parole. Nevertheless the Division of Pardons and Parole under the Department of Public Welfare, State of Illinois, has undertaken to redouble its efforts to the end that the parole system shall not be liable to charges of laxness. Mr. Will Colvin, Commissioner of Pardons and Parole, and Mr. John L. Whitman, Commissioner of Prisons, in the course of last December and January had frequent conferences with the Chief of Detectives and the Chief of Police in Chicago together with the Assistant Chief and several captains relative to the possibility of entering into an agreement with the police department that would insure not only better supervision but greater protection to paroled men. They wished to be assured that paroled men who are making an honest endeavor to serve their parole faithfully would have an opportunity to do so. The state officials became convinced that the police department would act in good faith co-operatively and they were ready to make assignments from the police department to aid the Division of Pardons and Paroles in exercising supervision over men on parole. Tentative plans for co-operation were drawn up and approved on both sides. A statement is appended hereto from Mr. Will Colvin, Commissioner of Pardons and Parole. Under the terms of the agreement five men were assigned originally by the police chief to co-operate with the state authorities. Another has since been added. The Chief of Police is said to be taking an active part in the work they are doing. For the present, at least, it is considered unwise to give to other officers outside the circle of these six, information with respect to paroled prisoners within the city. The Division of Pardons and Parole is satisfied that these members of the police force are furnish-

ing to paroled men the sort of protection that will be of assistance to them in honestly working out their parole.

The statement from the Commissioner of Pardons and Parole follows:

"Satisfactory results have accompanied an agreement entered into in the early part of February between the state paroling authorities and the Chicago Police Department for the close supervision of persons upon parole in Chicago from the penal institutions.

"The plan for co-operation with the Chicago Police Department in the handling of persons upon parole is the first effort made along this line in the twenty-three years the indeterminate sentence and parole law has been in operation in Illinois. Starting with two important essentials the details of the plan for co-operation between the police department and the Division of Pardons and Paroles now are well matured and satisfactory results already are being obtained. The two important essentials made the basis of the co-operation scheme are, as follows:

(a) "If persons commit crime while upon parole the state authorities are as anxious to have them returned to the penitentiary as the police authorities.

(b) "If persons upon parole are making an honest effort to redeem themselves and are faithfully living up to the parole agreement the police department must take the same friendly interest in their welfare as the Division of Pardons and Paroles.

"Under the agreement for co-operation the so-called drag-net under which as many as a hundred persons upon parole were from time to time gathered into the police stations of Chicago, without specific or individual charges being made against them, has been eliminated. Throughout many years the operation of the drag-net proved most destructive to the parole work of the state. In its operation men who were honestly endeavoring to get along and properly observing their parole were herded into the police stations and frequently kept incarcerated for a week or ten days at a time without being permitted to communicate with their friends, relatives or attorneys. In the carrying out of this system many men, losing one job after another, frequently became discouraged in their efforts and returned to the ways of crime.

"Chief of Police Garrity believes it is as much the duty of the Chicago Police Department to aid persons upon parole and thereby save them from committing crimes, as it is the duty of his department to capture and arrest persons who have committed offenses.

"Five sergeants of police have been assigned to parole work in Chicago. Their headquarters are in the Chicago office of the State Parole Department. These officers have full and complete access, just as the state parole agents, to all the office records pertaining to persons upon parole in Chicago and Cook County. These five police sergeants, working with the various police sergeants assigned to the different police stations in Chicago, have full and complete knowledge as to where each person upon parole works in the daytime and sleeps at night. Full authority has been delegated to the police sergeants to require any person upon parole to change his residence when, in the opinion of the police, the living place is not conducive to right living and good conduct. Under close supervision of this character persons upon parole will be unable to commit crime without being caught.

"While the plan for co-operation between the state paroling authorities and the Chicago police is something new in Chicago, it is not new in several of the larger cities down-state. For more than a year the present Division of Pardons and Paroles has been working in harmony and complete accord with the police departments in several cities with most satisfactory results."

ROBERT H. GAULT.

THE LOAN SHARK EVIL

In our section on NOTES AND ABSTRACTS in the present number we publish at length a model anti-loan shark law which has been drawn by the Legal Reform Bureau. It will be remembered by readers of this JOURNAL that we published an article by E. E. Eubank on "The Loan Shark Evil in Chicago" (VIII, 1, 69 ff). It was based upon an investigation made by Professor Eubank while he was acting temporarily as Director of the Welfare Commission of the City of Chicago. Like other studies of the sort, it demonstrated the utterly inhuman methods prevalent nowadays of handling what should be a legitimate business. As long as hosts of men and women are living upon small wages or small salaries upon the mere edge of competency, a slight disturbance in the normal course of affairs, such as prolonged illness necessitating hospital and medical care, or death in the family, or other accidents, the necessity for making small loans from time to time, even for the purpose of meeting household expenses temporarily, will exist. It is all very well for those who are firmly situated from the financial point of view to say that every person must live within his income. Inevitably situations arise in which it is utterly impos-

sible to do so from week to week. This must be recognized and conditions must be made favorable for persons who find themselves under the necessity of borrowing in such circumstances. It is a disgrace upon us in our civilized communities that we tolerate a group of loan sharks who extort from their unhappy victims as much as 50, 100, 500, or even in rare instances 1,400% a year from the poor, who are driven to the necessity now and again of contracting for small loans.

Another point must be taken into consideration in this matter of remedial loans. The business should not be placed upon a charity basis. A survey of the character of people who, on occasion, ask for such loans shows that they are of an eminently respectable class on the whole, proud, and normally self-sustaining. They demand the privilege of carrying their own burdens. They are not asking for charity. They pay for what they get. The psychological effect of placing the business upon a charity basis is bad and to do so is unfair. The question then naturally arises, what is a fair interest rate? Mr. Clarence Hodson, Director of the Legal Reform Bureau referred to above, after an exhaustive study of the whole subject matter in various parts of the country has reached the conclusion that $3\frac{1}{2}\%$ a month is sufficient and not too much. This, says Mr. Hodson, will enable the lender to do an honest business at a reasonable but not extortionate profit. It must be remembered, of course, that the risks to the lender who specializes in this sort of loan are greater than those in many other relations.

No merely restrictive legislation will stand effectively in the way of heartless exploitation. It must be constructive. We need remedial loan institutions such as can stand upon their own feet.

ROBERT H. GAULT.